

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRINITY CROSS, et al.,)
Plaintiffs,)
v.) Case No. 4:05CV-772SNLJ
CHIEF JOSEPH MOWKA, et al.,)
Defendants.)

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants former Chief Joseph Mokwa, Roger Englehardt, Robert Seeber, Jr., Leonard Blansitt, Robert Ceriotti, Janice Bockstruck, and Luther Hall hereby move for partial summary judgment, pursuant to Fed.R.Civ.P. 56, on certain remaining claims and on behalf of Defendant former Chief Mokwa in the entirety, as follows:

1. Defendant former Police Chief Mokwa is entitled to qualified immunity on all claims remaining against him, including any claims arising out of the events at 3309 Illinois and 3022 Cherokee that remain pending against him. *Respondent superior* is inapplicable to actions brought under Sec. 1983, and is also inapplicable to state law claims against supervisory officials.
2. Defendants Englehardt and Ceriotti are entitled to summary judgment on Plaintiff Trinity Cross' strip search claims under both federal and state law, premised on events at 3309 Illinois, in that there is no evidence that these Defendants had any involvement in any improper strip search of Plaintiff Cross.
3. Defendants Bockstruck, Blansitt and Hall are entitled to summary judgment on Plaintiff Friedrich's Fourth Amendment claims arising out of the alleged destruction

of his property at 3022 Cherokee, in that there is no evidence that these Defendants destroyed Plaintiff Friedrich's property.

4. As further support for this Motion, Defendants incorporate by reference their Memorandum of Law in Support of Defendants' Motion for Partial Summary Judgment, filed contemporaneously herewith.

WHEREFORE, Defendants respectfully request that this Court issue its Order granting summary judgment to Defendants as aforesaid; and for such other relief as this Court deems just.

Respectfully submitted,

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AND HALL

CERTIFICATE OF SERVICE

I hereby certify that the following were notified of this memorandum on this 3rd day of August, 2009:

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